

2009 Feb 04 PM 01:33

CLERK U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
AKRONTHE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO

IN RE:) CHAPTER 13
) CASE NO: 03-56093
ANNETTE K POWELL)
) MARILYN SHEA-STONUM
) BANKRUPTCY JUDGE
)
Debtor(s)) TRUSTEE'S MOTION TO MODIFY
) PLAN AND INCREASE DEBTOR(S)
) MONTHLY PAYMENTS IN CASE
) FILED PRIOR TO THE EFFECTIVE
) DATE OF THE BANKRUPTCY
) ABUSE PREVENTION AND
) CONSUMER PROTECTION ACT OF
) 2005
)
) **THIS MODIFICATION IS**
) **EFFECTIVE AS OF 03/14/2009**
) **UNLESS AN OBJECTION IS FILED**
) **WITH THE COURT**

Now comes Keith L. Rucinski, the Chapter 13 Trustee, and moves this Court for an order modifying the confirmed Chapter 13 Plan pursuant to 11 USC Section 1329. The Trustee states that the current payments into the Plan are not sufficient to allow the Debtor(s) to complete all payments within 60 months from the date of confirmation as required by 11 USC Section 1322(d) and 11 USC Section 1325(b)(1)(B), as said Code section existed prior to the enactment of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005.

The Trustee states that the Plan payments must be increased from the current payment of **\$ 1,018.00** per month to a payment of **\$ 4,366.00** per month.

Further, the Trustee states that the following were found:

Priority claim #17-1 was filed by John Donofrio in the amount of \$6,701.75 on 2/3/09. Also, other priority claims filed by the Attorney General of Ohio, Internal Revenue Service and John Donofrio have caused the plan to extend beyond 60 months.

In accordance with 11 USC Section 102 and Administrative Order 08-

09, unless a party in interest objects to the Trustee's proposed modification and files a written request for hearing before the Court within 40 days from the date in the below certificate of service, the Trustee's proposed modification shall be deemed an order of the Court which modifies the confirmed Plan pursuant to 11 USC Section 1329(b)(2). Objections must be served on all parties in the below certificate of service. Objections must be filed with the United States Bankruptcy Court at:

**United States Bankruptcy Court
2 South Main Street
455 John F. Seiberling Federal Building
Akron, OH 44308-1810**

Respectfully submitted,

/s/ Keith L. Rucinski

Keith L.Rucinski, Chapter 13 Trustee
Ohio Reg. No. 0063137
One Cascade Plaza, Suite 2020
Akron, OH 44308
Phone: 330.762.6335
Fax: 330.762.7072
Email: krucinski@ch13akron.com

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been sent to:

CHAPTER 13
Keith L. Rucinski
Trustee
1 Cascade Plaza
Suite 2020
Akron, Oh 44308

(330) 762-6335
Fax
(330) 762-7072
Email
krucinski@ch13akron.com

ANNETTE K POWELL
915 DIANA AVE
AKRON, OH 44307
(via Regular Mail)

BETTY GRONER (via ECF)

Keith L. Rucinski, Chapter 13 Trustee (via ECF)

Office of the US Trustee (via ECF)

Date of Service: **2/4/2009**

By: **JoAnn Romig**
Office of the Chapter 13 Trustee